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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/844,156	04/27/2001	Christopher Jensen Read	68484	1775
22242	7590	10/17/2005	EXAMINER	
FITCH EVEN TABIN AND FLANNERY 120 SOUTH LA SALLE STREET SUITE 1600 CHICAGO, IL 60603-3406			HOSSAIN, FARZANA E	
			ART UNIT	PAPER NUMBER
			2617	

DATE MAILED: 10/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/844,156

Applicant(s)

READ ET AL.

Examiner

Farzana E. Hossain

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 April 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-54 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-54 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 April 2001 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. This application has been filed with informal drawings. These drawings are acceptable for examination purposes only. Formal drawings will be required if the case is allowed.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claim 1-4, 9, 14, 15, 17, 18, 21-24, 37, 39, 40 43-46 are rejected under 35 U.S.C. 102(e) as being anticipated by Bellamy (US 2001/0000826).

Regarding Claims 1, 24, 44 and 45, Bellamy discloses a packetized voice telephony or internet telephony system comprising a set top box (STB) (Figure 4, 5) including a cable modem front end (Pages 3-4, paragraph 0031) for supporting cable television services to be provided (Page 2, paragraph 0017) to a television coupled to the STB (Figure 4, 1, 16); and a voice peripheral (Figure 4, 10) coupled to the set top box for supporting packetized telephony services (Page 1, paragraph 0006) provided via a cable link and through the STB (Figure 4, 6, 5).

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Regarding Claims 24 and 45, Bellamy discloses that voice signals are routed to the POTS equipment or a conventional telephone (Figure 4,2), which is coupled to the voice peripheral (Figure 4, 10). Bellamy discloses that voice peripheral is able to send and receive digitized speech through an Internet connection (Page 4, paragraph 0044). It is inherent that the voice peripheral (Figure 4, 10) converts packetized voice data received from the STB to analog voice signals as digital signals are sent via the Internet to the conventional phone. It is also inherent that analog voice signals will be converted to digital voice signal so that the packetized data can be routed to a cable network through the STB.

Regarding Claim 37, Bellamy discloses a voice peripheral (Figure 4, 10) of a packetized voice cable telephony system (Figure 4) comprising: a housing external to and couplable to a set top box housing (Figure 4, 5), the housing including: a processor unit adapted (Figure 4, 10, Figure 2, 10, 20) to be coupled to a set top box including a cable modem front end (Pages 3-4, paragraph 0031), wherein the processor unit supports packetized voice telephony services (Page 3, paragraph 0024); and one or more telephone interfaces (Figure 4, 9) coupled to the processor unit (Figure 4, 22, 24, 25) adapted to couple to subscriber plain old telephone service (POTS) equipment (Figure 4, 2).

Regarding Claim 2, Bellamy discloses all the limitations of Claim 1. Bellamy discloses that the STB is located within a first housing (Figure 4, 5) and the voice peripheral is located within a second housing (Figure 4, 10).

Regarding Claim 3, Bellamy discloses all the limitations of Claim 1. Bellamy discloses that voice peripheral is able to send digitized speech through an Internet connection (Page 4, paragraph 0044). It is inherent that the voice peripheral converts analog voice signals into digital voice packets.

Regarding Claims 4 and 43, Bellamy discloses all the limitations of Claims 1 and 37. Bellamy discloses that voice peripheral is able to receive digitized speech through an Internet connection (Page 4, paragraph 0044). It is inherent that the voice peripheral converts digital voice packets into analog voice signals.

Regarding Claim 9, Bellamy discloses all the limitations of Claim 1. Bellamy discloses that the system comprises a data line coupling the voice peripheral with the set top box (Figure 4, 7).

Regarding Claim 14, Bellamy discloses all the limitations of Claim 1. Bellamy discloses that the voice peripheral includes one telephone interface to interface with POTS (Figure 4, 9, 2).

Regarding Claim 15, Bellamy discloses all the limitations of Claim 1. Bellamy discloses one telephone interface to interface with an in-house phone wiring network (Figure 4, 15).

Regarding Claim 17, Bellamy discloses all the limitations of Claim 1. Bellamy discloses that the voice peripheral includes a wireless telephone interface for communicating with a wireless phone (Page 5, paragraph 0052).

Regarding Claim 18, Bellamy discloses all the limitations of Claim 1. Bellamy discloses that telephone access can be provided via an ISDN line. Therefore the voice

peripheral includes a high audio bandwidth telephone interface for communicating with a high audio bandwidth telephone.

Regarding Claim 21, Bellamy discloses all the limitations of Claim 1.

Bellamy discloses the STB is located proximate to a TV (Figure 4, 1).

Regarding Claim 22, Bellamy discloses all the limitations of Claim 1. Bellamy discloses a remote control for operating the STB (Figure 4, 3).

Regarding Claim 23, Bellamy discloses all the limitations of Claim 1. Bellamy discloses that the STB is capable of receiving control signals or commands from a remote control used to operate the STB (Figure 4, 3, Page 2, paragraph 0017).

Regarding Claim 39, Bellamy discloses all the limitations of Claim 37. Bellamy discloses the processor unit comprising a signal processing module (Page 3, paragraph 0025).

Regarding Claim 40, Bellamy discloses all the limitations of Claim 37. Bellamy discloses a voice messaging inbox processing (Page 4, paragraph 0042). This reads on an answering machine module for providing answering machine functionality for packetized voice calls.

Regarding Claim 46, Bellamy discloses all the limitations of Claim 45. Bellamy discloses that the method comprises user-related telephony features to the subscriber POTS equipment (Page 4, paragraph 0044).

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 5, 25, 27, 34, 41, 47, 50-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bellamy.

Regarding Claim 5, Bellamy discloses all the limitations of Claim 1 and 37.

Bellamy discloses that the system can facilitate voice transmission as Internet telephony. Therefore, it would have been obvious at the time the invention to modify Bellamy to include that Internet telephony includes Voice over Internet Protocol (VoIP) telephony, which is a type of Internet telephony, which would include any speech compression to have VoIP packets.

Regarding Claim 25, Bellamy discloses all the limitations of Claim 24. Bellamy discloses that the system can facilitate voice transmission as Internet telephony. Bellamy discloses that voice peripheral is able to send and receive digitized speech through an Internet connection (Page 4, paragraph 0044). It is inherent that the voice peripheral converts digital voice packets into analog voice signals to be routed to the subscriber POTS equipment that is coupled to the voice peripheral. It is inherent that the voice peripheral converts analog voice signals from the POTS equipment into digital voice packets to be routed to the cable network of the STB. Therefore, it would have been obvious at the time the invention to modify Bellamy that Internet telephony

includes VoIP telephony as it is a type of Internet telephony and digitized speech will include VoIP packets.

Regarding Claim 27, Bellamy discloses a packetized voice telephony system comprising: a set top box located within a first housing (Figure 4, 5) and including: a cable modem front end for receiving cable television services (Pages 3-4, paragraph 0031) and packetized voice calls (Figure 4, 41, Pages 3-4, paragraph 0031, Page 4, paragraph 0045), wherein the cable modem front end performs television tuning and demodulation (Pages 3-4, paragraph 0031). Bellamy discloses that there is a call detection mechanism (Page 4, paragraph 0034). It is inherent that the cable modem front end separates the cable television services and the packetized voice calls. Bellamy discloses a voice peripheral (Figure 4, 10) located within a second housing external to the first housing and coupled to the set top box (Figure 4) for receiving the packetized voice calls from the set top box and for supporting packetized voice telephony services (Figure 4, Pages 3-4, paragraphs 0031-0034, 0044) and including one or more telephone interfaces (Figure 4, 9) for coupling to subscriber POTS equipment (Figure 4, 2). Therefore, it would have been obvious at the time the invention was made to modify Bellamy to include a television decoder coupled to the cable modem front end in the STB, as all video data needs to be decoded prior to outputting to the display or TV.

Regarding Claim 50, Bellamy discloses a method of Internet telephony (Figures 1 and 4). Bellamy discloses a user making a phone call (Page 4, paragraph 0044) and using a POTS or conventional phone (Figure 4, 2) to call a location specified by a

telephone number. It is inherent that that a voice speaking over the phone is an analog signal. Bellamy discloses converting the analog voice signal of the telephone call to digital voice packets or the ability to send and receive digitized speech (Page 4, paragraph 0044); and transmitting the digital voice packets to a set top box including a cable modem front end, wherein the digital voice packets will be transmitted to the location by a cable network (Figure 4). Therefore, it would have been obvious at the time the invention to modify Bellamy that Internet telephony includes VoIP telephony as it is a type of Internet telephony and digitized speech will include VoIP packets.

Regarding Claim 34, Bellamy discloses all the limitations of Claim 27. Bellamy discloses that the voice peripheral includes one telephone interface allowing coupling to POTS equipment (Figure 4, 9, 2).

Regarding Claim 41, Bellamy discloses all the limitations of Claim 37. Bellamy discloses that the processor unit supports packetized voice calls or digitized speech using Internet telephony (Page 4, paragraph 0044). Therefore, it would have been obvious at the time the invention to modify Bellamy that Internet telephony includes VoIP telephony as it is a type of Internet telephony and digitized speech will include VoIP packets.

Regarding Claim 47, Bellamy discloses all the limitations of Claim 45. Bellamy discloses receiving digitized data speech or packets from the STB as part of Internet telephony. Therefore, it would have been obvious at the time the invention to modify Bellamy that Internet telephony includes VoIP telephony as it is a type of Internet telephony and digitized speech will include VoIP packets.

Regarding Claim 51, Bellamy discloses all the limitations of Claim 50. Bellamy discloses that the method comprises user-related telephony features to the subscriber POTS equipment (Page 4, paragraph 0044).

Regarding Claim 52, Bellamy discloses all the limitations of Claim 50. Bellamy discloses that voice peripheral is able to send digitized speech through an Internet connection (Page 4, paragraph 0044). It is inherent that the voice peripheral converts analog voice signals into digital voice packets. Therefore, it would have been obvious at the time the invention to modify Bellamy that Internet telephony includes Voice over Internet Protocol (VoIP) telephony, which is a type of Internet telephony so that the digital packets are VoIP packets.

5. Claim 6-7, 16, 26, 36, 48-49, 53-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bellamy in view of Chan et al (US 6,711,160 and hereafter referred to as "Chan") and Miura (US 6,606,712).

Regarding Claims 6, 16, 26, 36, 48, 49, 53, 54, Bellamy discloses all the limitations of Claim 1, 1, 24, 27, 45, 50 and 50 respectively. Bellamy does not disclose backup power to the STB. Chan discloses supplying back up power via a battery back up to the voice peripheral and POTS equipment (Column 7, lines 26-29). Chan discloses that the data line between several devices is a IEEE 1394 standard (Column 6, lines 6-9). Chan does not teach about a power line between the devices. Miura teaches that the data line is a power line between numerous devices and that the data/power line is a IEEE 1394 standard (Figure 1). Miura teaches that that there is a

back up power controlling the devices if there is a lack of power (Figure 2, 4,5, Figure 3, 9, 20). Therefore it would have been obvious at the time the invention was made to modify Bellamy to include back up power (Column 7, lines 26-29) as discussed by Chan and to provide power to devices connected by a IEEE 1394 data/power line (Figure 2, 4,5, Figure 3, 9, 20) as taught by Miura in order to allow for data transmission between two or more digital devices in the event that power is interrupted and cannot be restored (Column 1, lines 26-32) as disclosed by Miura.

Regarding Claim 7, Bellamy discloses all the limitations of Claim 6. Bellamy does not disclose uninterruptible power supply. Chan discloses that there is a back up battery (Column 7, lines 26-29). This reads on uninterruptible power supply.

6. Claim 10, 19-20, 28-33, 35, 38, 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bellamy in view of Chan.

Regarding Claim 10, Bellamy does not disclose that the data line is an Ethernet link, universal serial bus link, and a home phone networking alliance link, an IEEE link, and a wireless link. Chan discloses that the link between the voice peripheral and the data terminal or PC with cable TV capabilities (Column 1, lines 39-55) is a IEEE 1394 link (Column 6, lines 3-9).

Regarding Claims 19, Bellamy discloses all the limitations of Claim 1. Bellamy discloses a processor unit (Figure 4, 9, Figure 2, 20). Bellamy teaches that the system provides telephony functionality to subscriber telephone equipment (Page 4, paragraph 0044). It is inherent that the processor includes user interface module as the functions are performed by the system. Bellamy does not disclose a protocol stack for supporting

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packetized voice telephony service. Chan discloses a voice peripheral (Figure 1) with a system controller, which has protocol stack(s), and network interface card (NIC) that conducts Internet telephony or VoIP (Column 5, line 9-24). It is inherent that the NIC has a protocol stack. Chan discloses that the system controller and the NIC support the packetized voice telephony services (Column 5, lines 9-24). Therefore, it would have been obvious at the time the invention to modify Bellamy to include a protocol stack (Column 2, lines 5-14) as taught by Chan in order to provide an several communication mediums to support internet telephony (Column 1, lines 9-26, 39-48).

Regarding Claim 20, Bellamy discloses all the limitations of Claim 19. Bellamy discloses a voice messaging inbox processing (Page 4, paragraph 0042). This reads on an answering machine module for providing answering machine functionality for packetized voice calls.

Regarding Claims 28, Bellamy discloses all the limitations of Claim 27. Bellamy does not disclose a protocol stack. Chan discloses a voice peripheral (Figure 1) with a system controller, which has protocol stack(s), and NIC that conducts Internet telephony or VoIP (Column 5, line 9-24). It is inherent that the NIC has a protocol stack. The system controller and the NIC for supporting the packetized voice telephony services (Column 5, lines 9-24). Chan discloses that the protocol stack or system controller and network interface card converts the packetized voice calls received from the set top box to digital data streams (Column 2, lines 5-14). Therefore, it would have been obvious at the time the invention to modify Bellamy to include a protocol stack which converts the packetized voice calls received from the set top box

to digital data streams (Column 2, lines 5-14) as taught by Chan in order to provide an several communication mediums to support internet telephony (Column 1, lines 9-26, 39-48). Regarding Claim 38,

Regarding Claim 29, Bellamy discloses all the limitations of Claim 28. The protocol stack comprises a stack selected from an H.323 protocol stack (Column 5, lines 35-36).

Regarding Claim 30, Bellamy discloses all the limitations of Claim 28. Bellamy discloses a telephone interface (Figure 4, 9). Bellamy discloses that voice peripheral is able to receive digitized speech through an Internet connection (Page 4, paragraph 0044). It is inherent that the voice peripheral converts digital voice packets into analog voice signals.

Regarding Claim 31, Bellamy discloses all the limitations of 28. Bellamy teaches that the system provides telephony functionality to subscriber telephone equipment (Page 4, paragraph 0044). It is inherent that the processor includes user interface module as the functions are performed by the system. However, Bellamy does not disclose that the user interface module is coupled to the protocol stack. Chan discloses a protocol stack via the system controller. Chan also discloses that the system controller controls the telephony related services (Column 2, 52-67, Column 3, lines 1-4, Column 5, lines 5-34) to the POTS equipment, which is coupled to the voice peripheral (Figure 1). It is inherent that the system includes a user interface module and that it is coupled to the protocol stack as the protocol stack performs the telephony services.

Regarding Claim 32, Bellamy does not disclose a signal processing module coupled to the protocol stack. Chan discloses a signal processing module (Figure 1, 102) coupled to the system controller (Figure 1, 101), which includes a protocol stack (Column 5, lines 9-24).

Regarding Claim 33, Bellamy discloses all the limitations of Claim 28. Bellamy discloses a voice messaging inbox processing (Page 4, paragraph 0042). This reads on an answering machine module for providing answering machine functionality for packetized voice calls.

Regarding Claim 35, Bellamy discloses all the limitations of Claim 27. Bellamy discloses that in one embodiment a serial link will allow the STB and the voice peripheral to share functions (Page 5, paragraph 0047). Bellamy does not disclose that the voice peripheral and STB share a protocol stack. Chan discloses that the system can include data terminal equipment. Chan teaches that the data terminal can be a PC. Chan also discloses connecting to various communication mediums including cable TV channels. Therefore, the PC can be a STB. The PC has a NIC (Figure 2, 150). It is inherent that the NIC has a protocol stack. It would have been obvious to modify Bellamy and Chan so that the data terminal equipment can share a protocol stack with the voice peripheral in order to perform more efficiently.

Regarding Claim 38, Bellamy discloses all the limitations of Claim 37. See rejections of Claim 19 and 28.

Regarding Claim 42, Bellamy discloses all the limitations of Claim 41. Bellamy does not disclose VOIP stack. Chan discloses that the system comprises protocol

stacks and teaches that all communication protocol stacks including IP protocols or VoIP stacks.

7. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bellamy in view of Chan as applied to claim 9 above, and further in view of Miura.

Regarding Claims 11, 12, 13, Bellamy does not disclose backup power to the STB. Chan discloses supplying back up power via a battery back up to the voice peripheral (Column 7, lines 26-29). Chan discloses that the data line between several devices is a IEEE 1394 standard (Column 6, lines 6-9). Chan does not teach about a power line between the devices. Miura teaches that the data line is a power line between numerous devices and that the data/power line is a IEEE 1394 standard (Figure 1). Miura teaches that that there is a back up power controlling the devices if there is a lack of power (Figure 2, 4,5, Figure 3, 9, 20). Therefore it would have been obvious at the time the invention was made to modify Bellamy to include back up power (Column 7, lines 26-29) as discussed by Chan in order to allow for faster communications between devices. Therefore it would have been obvious at the time the invention was made to modify Bellamy to provide power to devices connected by a IEEE 1394 data/power line (Figure 2, 4,5, Figure 3, 9, 20) as taught by Miura in order to allow for data transmission between two or more digital devices in the event that power is interrupted and cannot be restored (Column 1, lines 26-32) as disclosed by Miura.

Conclusion

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Farzana E. Hossain whose telephone number is 571-272-5943. The examiner can normally be reached on Monday to Friday 8:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

FEH
August 30, 2005


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